

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MIRANDA S. OSBORNE,

Plaintiff,

v.

**Case No.: 2:17-cv-938
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

This case is before the Court to consider the *Report and Recommendation* issued by the Magistrate Judge on July 24, 2018. The Magistrate Judge recommended that Plaintiff's Statement of Errors be overruled and the decision of the Commissioner of Social Security be affirmed. (*See Report and Recommendation*, Doc. 14). This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 15). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff raises two main objections to the ALJ and Magistrate Judge's findings: 1) the ALJ failed to properly weigh the medical opinion evidence; and 2) the ALJ failed to properly evaluate Ms. Osborne's testimony. However, these objections present, once again, the issues presented to and carefully considered by the Magistrate Judge in the *Report and Recommendation*.

Plaintiff has not presented any new evidence or argument other than what was previously presented in her Statement of Errors. Plaintiff merely disagrees with the ALJ and Magistrate

Judge's conclusions. Specifically with respect to weighing the medical evidence, the Magistrate Judge noted, and the Court agrees, that "it is the job of the ALJ, not Plaintiff, to determine how much value and weight to assign certain medical opinions." (Doc. 14, *Report and Recommendation* at 18). Further, with respect to Ms. Osborne's testimony, Plaintiff argues that the ALJ's evaluation is not supported by substantial evidence. The Court disagrees. The evidence is set forth in detail in the ALJ's decision and the *Report and Recommendation*. Further, the Sixth Circuit has held that courts must accord great deference to an ALJ's 'credibility' assessment "because of the ALJ's unique opportunity to observe the claimant and judge [his] subjective complaints." *Buxton v. Halter*, 246 F.3d 462, 773 (6th Cir. 2001).

The Court has carefully considered Plaintiff's objections, but finds that the decision of the ALJ was supported by substantial evidence as acknowledged in detail in the Magistrate Judge's *Report and Recommendation*. Therefore, for the reasons stated in the well-reasoned *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit.

Based on the aforementioned and the detailed *Report and Recommendation*, the Court finds that Plaintiff's objections have been thoroughly considered and are hereby **OVERRULED**. Accordingly, the *Report and Recommendation*, Document 14, is **ADOPTED** and **AFFIRMED**. Plaintiff's Statement of Errors is hereby **OVERRULED**, and the decision of the Commissioner of Social Security is **AFFIRMED**.

The Clerk shall remove Documents 14 and 15 from the Court's pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ *George C. Smith*
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT